begin with the step of "selecting a telephone number corresponding to a known location."

The claims also require "displaying the selected locations in order of distance between the known location and the selected location."

Lopke's claimed invention concerns a computer system and method that defines areas, similar to that of Zip code areas, using parts of the telephone number. The reference teaches, for example, that the area code or area code combined with local exchange code, can be used to search for resources within that area.

The differences between Lopke and the current patent application can be illustrated by analyzing the input(s) used in locating the resources and verify if it is possible to get the same customized results, using the input(s) in a manner as described by Lopke, as provided by applicant's invention. Proving that the two methods are significantly different will be done as follows

1. Illustrate how Lopke uses a Zip code in locating a resource and its limitation.
2. Show the similarities between Lopke's use of the telephone number and the Zip code search.
3. Show the differences between current (pending) patent application's use of the telephone number and Lopke's use of the telephone number. The word "telephone number" appears in both invention but the purpose and usage is totally different.
4. Demonstrate that a person familiar with the art would not easily make the transition.

Zip Code Usage by Lopke.

- When a Zip code is used as an input for locating a resource, the output (i.e. the search results) will be the same for all users within the zip code. For e.g. let us consider two users, both living in Zip code "20191", and their houses are 3 miles apart. A query issued by both users, using their Zip code as input, will provide identical results because there is no information indicating the differences in their locations or the distance between the two houses. In fact ALL the users living within that Zip Code, will get the same result because ALL locations within the Zip code is translated into a single latitude/longitude for the Zip code. The ***limitation*** with this approach is that customized results for the various locations within that zip code will NOT be possible without additional information about the specific location of each user. An extended Zip code i.e. Zip code + 4 digit that includes the five digits of the ZIP code, a hyphen and then four more digits, will make the location more precise than by the ZIP code alone. However, this reduces the problem but does not eliminate the ***limitation***. Customized results for various locations within the Zip Code + 4 digits will not be possible.

Telephone number usage by Lopke.

Lopke references the word "telephone" many times – however, the important ones are those references that use the telephone number as an input. References to telephone number as attributes of the output is not relevant (for e.g. displaying the type of business along with its fax and telephone number).

1. The first reference of telephone number as ***input*** is in Page 4, claim number 21 – I quote "The method of claim 16 wherein said location information is in a format including one of: a street, address, a postal zipcode, city and state information,

latitude and longitude values, an area code in accordance with the North American Numbering Plan (NANP), and Telephone Number Area Code and Prefix (NPA-NXX)".

Here Lopke does NOT use the entire telephone number. He uses either the area code or area code and prefix (the 3 digits following the area code).

2. The second reference of telephone number as ***input*** is made on page 8 and I quote "According to a feature of the invention, location information about the client is supplied in a format including one of (i) a street address, (ii) a postal zipcode, (iii) city and state information, (iv) latitude and longitude values, (v) an area code in accordance with the North American Numbering Plan (NANP), and (vi) Telephone Number Area Code and Prefix (NPA-NXX)". *Once again Lopke does NOT use the entire telephone number. He uses either the area code or area code and prefix (the 3 digits following the area code).*

3. The third reference of telephone number as ***input*** is made on page 11 and I quote "The location information may be provided in the form of a street address, zipcode, zip+4, local area code (NPA), local telephone exchange (NXX), ordered pair of latitude and longitude values, etc". *Once again Lopke does NOT use the entire telephone number. He uses either the area code or area code and prefix (the 3 digits following the area code).*

4. There are other reference to telephone number as **output** i.e the displayed resource's attribute. These are not relevant to this contention.

Similarities between Lopke's use of Telephone number and Zip Code.

The usage of the "area code" of a telephone number, may result in a different geographical boundary compared to a Zip code. For e.g. using the area code "703" will cover a bigger (and different) area in Virginia compared to using the Zip code "20191" which will cover only "Reston" Virginia. However, the ***limitation*** of providing the **same** results for all locations with the area code (of "703") still remains. This is identical to the ***limitation*** posed by using the Zip code i.e. the inability to provide ***customized*** results for locations within the referenced area.

Lopke also uses the area code along with the "local exchange" – for e.g. using "703723" will *reduce* the *geographical area* (similar to Zip Code + 4 digits). However, it will still **not** provide ***customized*** results for locations within the referenced area. All locations within the geographical area encompassed by "703723" will get identical results.

Lopke intended to keep his patent "broad" by implying that boundaries can be drawn by Zip codes, telephone area codes or telephone area code in conjunction with local exchange code. His use of parts of the telephone number, is nothing more than a different kind of zip code search (telephone area codes providing a different boundary for the search) i.e. search within different boundaries. However, by omitting the last 4 digits of the telephone number, it is clear that he never intended to provide customized results. If we take into consideration that Lopke did not find any use for the last 4 digits of the telephone number, the differences between the current application and Lopke becomes apparent. It was the applicant that recognized a telephone number could be used in a search for providing ***customized*** results.

Lopke mentions (column 3, lines 38-40) that resources may be "listed in order of distance". However, if ***ONEsingle coordinate (latitude and longitude)*** is chosen for an

area code (or area code and local exchange code), the results will be identical to ALL users in that region. Hence distance will NOT be equally relevant for all users (**NOT customized**).

Difference between Lopke and the current application in the use of the telephone number.

The current (pending) application, uses the entire telephone number to locate the starting point of the search. The *entire* telephone number is mapped to a user's location and **customized** results are displayed, in the ascending order of distance, specific to that location. Lopke uses parts of the telephone number to define geographic areas similar to that of a Zip code. The results are NOT customized and will be identical for all the locations within that area.

Lopke does provide results within a certain area and I quote "Server 110 receives the appropriate location information together with any location based criteria specified by the user (e.g. requirement that the resources be identified within 10 miles of the users location), together with the class of resource information as previously described".

However, when telephone number is used as input, all locations within the area code or area code/local exchange code, will be provided with the same results because he uses only some part of the input telephone number (the area code and local exchange code). The results, when ordered by distance, will only be useful for a person who is living exactly at the chosen latitude/longitude. The distance from the single chosen location, will not be of use to others within that region (who are living far away from the chosen latitude/longitude). For e.g. if he chooses the latitude/longitude of a point in "Reston, Virginia" for a search using "703723xxxx", the ordering of the distance will be based on

this latitude/longitude for ALL searches using area code "703" and people living in areas far away from Reston (say in Manassas) will not find it useful – i.e. results are **not Customized.**

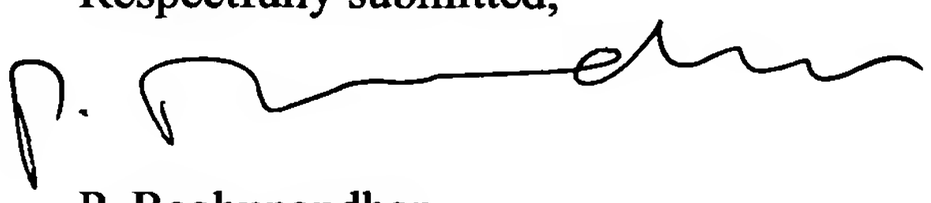
If we agree, that customized results, based on the user's location, is more meaningful than "generic" results based on a larger area, then it is clear that if anyone familiar with the art would be able to deduce it, it should have been Lopke. However, he did not envision the use of the telephone number for customized results.

Monday morning quarterbacking is quite improper when resolving the question of non-obviousness. Orthopedic Equipment Co., Inc. et al. v. United States, 702 Fed. Cir. 1005, 1012, 217 USPQ 193, 199 (Fed. Cir. 1983) . A problem, after it is solved, will likely appear "obvious".

Because it is only by using Applicant's teachings that one skilled in the art would be able to extrapolate using Lopke, the rejection under Section 103 has been made using impermissible hindsight. None of the other references cited by the Examiner teach or suggest the use of telephone numbers in conducting searches as taught by the current application. Therefore, all of the pending claims are patentable over the prior art.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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